

JUDGE LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL AMBAW, et al.

Defendants.

CASE NO. CR 05--260 L

DEFENDANT MATTHEW
ERICKSON'S SUPERVISED
RELEASE MEMORANDUM

Matthew Erickson has admitted to three grade B violations of supervised release ((1) committing the crime of solicitation of a drug crime, a state gross misdemeanor; (2) failing to submit monthly written reports; and (3) failing to report the fact of his arrest for the drug crime solicitation to his probation officer). Given his criminal history at the time of the original commitment in this cause is category III, the advisory Guidelines range is 5 to 11 months commitment.

For the following reasons, we are asking the court to vary from that advisory range and continue supervision of Mr. Erickson. Our request is that the court impose not more than 90 days of imprisonment to be followed by at least a six month term at the Seattle RRC.

DEFENDANT MATTHEW ERICKSON'S
SUPERVISED RELEASE MEMORANDUM

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1 The underlying sentence.

2 At the time the defendant was before the court for sentencing in June 2006, in his
3 sealed sentencing memorandum defense counsel emphasized "defendant's difficult family
4 history and resultant psychiatric/psychological problems and deficits" which were briefly
5 summarized in the PSI at sections 58-62. In particular counsel noted that the defendant
6 grew up motherless and emotionally deprived, but who at least fortunately seems to have
7 had the continuing support of this maternal grandmother since early in life. Special-
8 education type classes linked to varying diagnoses of dyslexia, ADD, ODD and other mental
9 health issues. These were emblematic of the defendant's troubled adolescence and most
10 probably provide some basis for why he became an early teenage drug user. His psycho-
11 social background includes two hospitalizations following suicide attempts at ages 15 and
12 16, noted by the defense consultant, Tedd Judd, Ph.D whose evaluation was then
13 submitted to the court under seal. With such a bleak personal history at the time of
14 sentencing, it was easy for undersigned defense counsel to emphasize to the court in our
15 presentation then, that defendant's "drug addiction rehab is key to this sentence".

16 Developments since the 2006 commitment.

17 The defendant was confined at the USP Victorville California for 30 months. He
18 reports that early on, staff at Victorville told him that he was improperly designated "high"
19 security when he should have been "medium" security risk. (A related kidnapping charge his
20 co-defendants faced and in which the defendant was, at most, a peripheral actor, may
21 account for the higher score.) Despite this perceived error Mr. Erickson avoided trouble
22 and furthered his education, despite being in an institution he characterizes as "not at all
23 safe" (and where he occasionally received verbal taunts because of suspicions that he had
24 cooperated with the government). Mr. Erickson was released without incident on December
25 11, 2007.

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1 Despite the court's recommendation of RDAP as we requested at sentencing, he
2 was not admitted into the program, again apparently because of the dismissed kidnapping
3 charge-- a disqualifying crime of violence. Nevertheless, and without the motivation of a
4 time reduction, he volunteered for drug treatment and received a certification of completion.
5 He attended semiweekly group sessions and NA meetings. Reflecting on the program, the
6 defendant says most of it was repetitive (which he said "couldn't hurt" him) to what he had
7 already learned from prior rehab programs.

8 In our most recent interview Mr. Erickson stated that he does not now believe himself
9 to be an addict, noting that in the past he used to enjoy smoking marijuana because it
10 seemed to stabilize him emotionally. Addiction or abuse or at the very least use-- whatever
11 it is called-- is still obviously a problem for Mr. Erickson given the nature of these violations
12 and the fact that he continued to smoke marijuana for the 3+ months his participation in
13 supervision waned. In his present thinking he looks more to the positive aspects of his use;
14 he thinks marijuana helps him deal with stress and certainly helped him deal with a
15 diagnosed IBS (irritable bowel syndrome) condition. He notes that at the time of his arrest
16 he was hopeful (unrealistically so) of getting "approved" for medical marijuana. Presently,
17 having been disabused of this notion by his counsel, he understands and agrees that so
18 long as he is on court supervision that will not be an option for him.

19 After release from prison while at Pioneer Fellowship RRC in Seattle and thereafter
20 Mr. Erickson was able to obtain work as a paid intern for a number of months through the
21 YWCA with Working Zone. He assembled mini-magazines (aptly called "zines") that are
22 apparently sold in retail outlets.

23 What happened next was very good for Mr. Erickson. He obtained work at the 45th
24 Street Clinic as a street outreach worker. (We are expecting letter confirmation from his
25 then supervisor, Charlotte Tucker, which has been delayed pending receipt of information
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1 release authorization). Matt Erickson reached out to homeless youth and pointed them to
 2 agencies for social assistance and medical help. He earned \$ 11.09/hr for over a year and
 3 a half and held that job –which was to last not more than two years-- longer than any
 4 predecessor. With the job experience and a good work record he fully expected that his
 5 otherwise limited and “stale” (pre-prison) work history would allow him to find other work
 6 elsewhere. Did he like the work? “I loved the job.” Why? “It made me feel better for all my
 7 mistakes. I was paid to help people. It doesn’t get any better.” But then Matt Erickson took
 8 another “hit”. As his EHM supervision modification ended he had to reschedule his work at
 9 the Clinic. Unfortunately approval for change of his EHM work and transportation
 10 schedule took one day too many, and he missed a required work appearance. He was let
 11 go from the Clinic in mid-Summer, 2009.

12 Living at his grandmother’s home once again, and as he says “living prudently” for a
 13 couple of months he barely was able to cope without the income, daily structure, and self
 14 satisfaction his job gave him. He stressed and developed IBS. Instead of the occasional
 15 use of marijuana before his EHM (which he describes as “pure stupidity on my part, more
 16 habit than anything else”) he started to self medicate. Without something positive to look
 17 forward to and with little hope, Mr. Erickson back slid into his old ways–“getting by” on the
 18 street. “I was down to my last \$ 20.” In October, 2009 he returned to his pre-prison
 19 lifestyle, smoking lots of marijuana–again he says more “to just deal with the stress of it
 20 all”-- and this time selling marijuana on the street. In November he was arrested by SPD
 21 doing an University district alley \$ 20 sale. (Like Mr. Erickson’s conversational speech, it
 22 was almost a flashback to Seattle in the ‘70s.) When he subsequently missed a state court
 23 appearance by mistake and a bench warrant issued, he says he “freaked”. He left his
 24 grandmother’s home (fearing re-arrest there on the warrant) and spent the next months
 25 “couch surfing” with acquaintances. (Not surprisingly this is exactly how the story started
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back in 2005 when he met up with Mssrs. Ambaw and Abraha.) He also disregarded his supervision obligations. In March, 2010 he pled guilty and served 30 days on the soliciting gross misdemeanor charge.

By his admissions Mr. Erickson admits to new criminal conduct¹ and a pattern of laxity with his monthly reports despite prodding by both his assigned USPOs. Reflecting on how he seems to have lost much of the progress he made since his release from prison he blames no one but himself. He promises himself and the court he will meet his reporting obligations if given another chance on supervision. More importantly he recognizes the need for the structure in his daily life that supervision provides.

When asked what he wants to happen he says "I hope the judge will give me six months in the halfway house". Why? "It will help me by giving me time to find work, being able to save a little money, and I won't be left to my old ways."

The remedy for Mr. Erickson.

The same observations by Dr. Judd noted at the time of the original sentencing are still very much in issue today. 30 months at Victorville was most likely not a productive period for Mr. Erickson to come to grips with his life issues. The very likeable Mr. Erickson must now still come to grips with his marijuana problem. His continuing mental health issues only complicate his chances of a successful turnaround. Given the 2 1/2 years commitment and the 30 days imposed by the state court, the defendant knows there is punishment to be meted out now and in the future if he fails again while on supervision. At this point, if Mr. Erickson is to avoid spending a major part of his future behind bars waiting

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This is the third time the defendant is involved in street level drug dealing. Recall the initial crime herein as well as his earlier state VUCSA crimes involved the defendant selling drugs for the co-defendant herein essentially in return for their providing him with a place to stay. Admittedly, the present marijuana sale violation is most troubling because it suggests Mr. Erickson learned nothing from his earlier federal commitment. However, defense counsel's view that the defendant returned to drug dealing because that is all he could do for himself given his deficits, is central to his recognized need for the structure the RRC will provide him.

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1 to get himself together, it is most important he get a positive routine started. That will be the
2 benefit of community based structure. Consequently in joining in the RRC recommendation
3 of the USPO we are asking that Mr. Erickson be required to serve at least 180 days at the
4 RRC Seattle.

5 Now is the best and maybe last time for personal redemption. Given his personal
6 characteristics and psycho-social needs, we think no more than three months confinement
7 for the violations is both sufficient and not more than necessary punishment .

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9 Dated this 13 th day of April, 2010.

10 Respectfully submitted,

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12 KENNETH E. KANEV

13 Attorney for Defendant Matthew Erickson
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CERTIFICATE OF SERVICE

I certify that on April 13th, 2010 I electronically filed the foregoing motion UNDER SEAL with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of all other parties of record.

s/ KENNETH E. KANEV

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